

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ELSEBETH BAUMGARTNER,	)	CASE NO. 1:10CV2810
Petitioner,	)	
v.	)	JUDGE BENITA Y. PEARSON
LaSHAUN EPPINGER, Warden,	)	<b><u>MEMORANDUM OF OPINION</u></b>
Respondent.	)	<b><u>AND ORDER</u></b>
	)	[Resolving ECF Nos. <a href="#">29</a> and <a href="#">34</a> ]

Petitioner filed the following:

[Fifth] Motion for Extension of Time Until August 19, 2011 to File Traverse or Response to Motion to Dismiss ([ECF No. 25](#));

Motion for Transcripts, Including Exhibits (Rule 5(c) of the Rules Governing Section 2254 Cases in the United States District Courts ([ECF No. 26](#)); and

Motion for Disqualification of Magistrate Judge McHargh (28 U.S.C. § 455(a) and (b)(1) and (3)) ([ECF No. 27](#)).

The Magistrate Judge entered a Memorandum and Order ([ECF No. 28](#)) denying ECF Nos. [25](#) and [27](#), and denying as moot [ECF No. 26](#). Petitioner objected ([ECF No. 29](#)). See [Fed. R. Civ. P. 72\(a\)](#).<sup>1</sup> Respondent filed a Response to Petitioner's Objections ([ECF No. 30](#)), to which Petitioner filed a Motion to Strike ([ECF No. 34](#)).

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<sup>1</sup> This Rule provides in relevant part:  
When a pretrial matter not dispositive of a party's claim or defense is referred to a magistrate judge to hear and decide, the magistrate judge must . . . issue a written order stating the decision. A party may serve and file objections to the order within 14 days after being served with a copy. A party may not assign as error a defect in the order not timely objected to. The district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law.

(1:10CV2810)

Petitioner's Motion to Strike Respondent's Response to Petitioner's Objections to Orders

Received September 1, 2011 (Fed. R. Civ. P. 12(f); LR 72.3(a) ([ECF No. 34](#)) is denied.

The Magistrate Judge's order contains nothing that is clearly erroneous or contrary to law. Therefore, the Court overrules Petitioner's Objections to the Magistrate Judge's Memorandum and Order.

IT IS SO ORDERED.

June 1, 2012  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge